

Remarks

Claims 13-22 were rejected as anticipated by Medical Centre Daniël den Hoed, published on December 8, 2000. Applicants submit herewith a declaration under §1.131 and request reconsideration and withdrawal of the rejection.

Explained in the accompanying declaration, the present application claims priority from a German application that was filed on January 25, 2001. The invention disclosure accompanying the declaration clearly shows that the inventors conceived the invention prior to December 8, 2000 and were diligent from prior to this date to the filing of the corresponding German application on January 25, 2001. The invention disclosure was prepared by the inventors on June 13, 2000. A preliminary assessment was made by the inventors' supervisor on July 27, 2000. The assignee's patent department received the invention disclosure on August 3, 2000 and the assignee's patent committee gave its final assessment and decision to file a patent application on September 13, 2000. The draft application was prepared by a German patent agent who sent the draft application to the inventors on January 8, 2001. The draft application was approved January 10, 2001. The assignee, Siemens Aktiengesellschaft, is a large corporation and typically requires about six months from receipt of the invention disclosure to

Application No. 10/053,713
Response dated July 22, 2004
Reply to Office Action of April 22, 2004
Docket No. 4001-1012

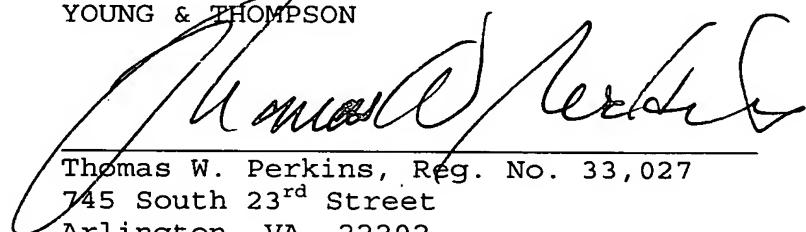
filing the patent application. It is also noted that within the relevant time period, holidays intervened.

It is believed that the declaration removes the cited reference as prior art and that accordingly, the rejection of the claims has been overcome. Reconsideration and withdrawal of the rejection are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. §1.16 or under 37 C.F.R. §1.17.

Respectfully submitted,

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APPENDIX:

The Appendix includes the following items:

- Declaration Under 37 C.F.R. §1.131
- invention disclosure in German and an English translation thereof